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## Community Development Department

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### Village of Westmont Planning and Zoning Commission November 9, 2016 - Minutes

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, November 9, 2016 at 7:00 p.m., at the Westmont Village Hall, 31 W. Quincy Street, Westmont, Illinois 60559.

Chair Ed Richard led in the following:

#### **(1) Call to Order**

#### **(2) Roll Call**

**In attendance:** Chair Ed Richard, Commissioners Gregg Pill, Craig Thomas, Janis Bartel, Doug Carmichael, Secretary Wallace Van Buren, Planner Joe Hennerfeind, Community Development Director Jill Ziegler

**Absent:** Thomas Sharp.

#### **(3) Pledge of Allegiance.**

#### **(4) Swearing in of testifying attendees and reminder to sign in.**

#### **(5) Reminder to silence all electronic devices.**

#### **(6) Approval of Minutes of the September 14, 2016 meeting.**

**MOTION to approve the September 14, 2016 minutes.**

Motion by: Pill

Second by: Bartel

#### **VOTING A**

Van Buren--Yes

Thomas--Yes

Bartel--Yes

Pill--Yes

Carmichael--Yes

Richard--Abstain

Motion passed.

## **(7) Open Hearing**

### **New Business**

**PZ 16-023**      **Sunshine Montessori LLC regarding the property located at 6004B and 6006 South Cass Avenue, Westmont, IL 60559 for the following:**

(A)      Special Use permit request to operate a Montessori school in the B-2 General Business District.

**PRESENTATION:** Nigar Haider presented for Sunshine Montessori. She stated that she is the current owner and would like to expand her business by adding a second unit since it is now available. Chairman Richard clarified that because of the size it now requires a special use permit.

**STAFF COMMENT:** Hennerfeind stated the business has been operated for over a year now. The business was under 1000 square feet so their special use fell under the option for administrative approval. Now that the business is expanding it comes before the Commission for a recommendation. There have been no complaints about the business, or traffic congestion generated by the school and Hennerfeind stated that this location does not have great street exposure so the property owner has trouble renting the spaces, so it does seem to be a good fit for the shopping center.

**PUBLIC COMMENT:** None.

### **COMMISSIONER COMMENT:**

Bartel: she reviewed the plan and doesn't see any hazards, parking is adequate, meets the special use standards and is very supportive.

Thomas: congratulated her for needing more space, location is excellent for the school, fully supportive.

Pill: asked about connecting the two rooms. Reply: hoping a doorway between the two locations. She will open as soon as possible. Owner is working on the sprinkler system. Pill suggested that she have sprinkler installed before the school opens due to the construction inconvenience.

Van Buren: asked about how often her lease renews. Reply: every two years, she will renew in 2017.

Carmichael: asked if a cash bond for sprinkler was received. Staff: Kaufman made owner sign agreement to meet certain thresholds for installation. The tenant signed an agreement stating that they understand their business license could be revoked if the owner does not install the sprinklers. Staff was not aware of any additional cash bond at this point on top of the other requirements.

Richard: clarified that the additional parking she has access to is on the west side, not back of building, asked about sprinkler timeline. Staff: yes, the conditions were set by Larry Kaufman.

### **FINDING OF FACTS A**

- (1) YES=6 NO=0
- (2) YES=6 NO=0
- (3) YES=6 NO=0
- (4) YES=6 NO=0
- (5) YES=6 NO=0
- (6) YES=6 NO=0
- (7) YES=6 NO=0

## **MOTION A**

Motion to recommend to the Village Board of Trustees to approve to a Special Use permit request to operate a Montessori school in the B-2 General Business District.

Motion by: Thomas

Second by: Van Buren

## **VOTING A**

Van Buren--Yes

Bartel--Yes

Thomas--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

**PZ 16-024      Wolf Pack Development, Inc. regarding the properties located at 1801 35th Street (Mayslake Village), Oak Brook, IL 60523 for the following:**

(A)      Site and Landscaping Plan approval to allow for construction of additional parking in the R-6 Special Residence District.

**PRESENTATION: Chairman Richard stated** that he is tired of not seeing a revised site plan submitted in time for the Commission to review. Mike Frigo introduced himself as President of Mayslake Village and apologized for not having the revised site plan. They have been around for 51 years, and have 619 apartments for low and moderate income for senior citizen independent living. They have enough parking for residents, but not enough for staff and special events. They would like to add parking.

Phil Wolf, professional engineer, apologized for not having the plan. He stated the project has grown since its start of making 36 spaces permanent to adding as many spaces as they could accommodate. The project is making this a permeable paver project and supports any requests from staff for landscaping. The plan before them does include 35 trees, some removal and replacement of buckthorn and large trees.

**STAFF COMMENT:** Hennerfeind stated there was a staff error for the address being 1801 35th, not Midwest as previously posted. He noted that Mayslake had a temporary parking space approval for the past year that will be expiring so they would like to make those spaces permanent. It was noted that the Commission did not have revised packets to review in advance of the meeting, but does include responses to previous comments. Staff has reviewed and has also consulted the engineers and the forester who have reviewed and are comfortable with the plans. Noriega stated they have been able to take care of everything except for the required curbs. The owner stated that they were willing to work with staff and engineering during the permit process to resolve the curb issue and Noriega is confident as long as the Commission is comfortable with the applicants going through the permit process.

Chair Richard asked the other commissioners if they would like to hear the presentation or postpone the meeting until they have time to review the packet. He asked to poll the commissioners. Bartel asked if there were significant differences between the new plan and the previous one, as if there were significant changes it would warrant postponing the meeting on this item.

Hennerfeind stated there are two basic outstanding issues, one is engineering, one is landscaping. Engineering came in sooner so the comments were provided in the commissioners packets. The landscaping came in later and reviewed by consultant and provided comments, there is nothing in the landscape comments that is an outstanding issue. Commissioners has agreed to proceed.

Wolf said they are open to make changes as the discussion continues and would have no problem changing the plants or trees to accommodate the preferred landscaping plants that the Village would like to see. He also pointed out that these were not required parking spaces and they are adding things back in such as underdrainage.

**PUBLIC COMMENT:** None.

**COMMISSIONER COMMENT:**

Carmichael: asked about the wetlands 65 feet vs. 50 feet. Reply: Noriega stated that owner is working with DuPage County directly to get approval. Carmichael stated he supports the plan.

Van Buren: if staff is satisfied, he would support.

Pill: asked for background regarding number of units, number of spaces. Reply: there are 619 units, 450 parking spaces that are permanent, and will be adding 128 spaces. Pill asked about sliding staff schedules, asked what peak parking requirements would be. Reply: 40 staff members. Pill asked if there was any other consideration given to a parking structure instead of taking away the green space to spread parking spaces all over. Reply: he stated that they are federally subsidized agency and they get 43% of their funds through HUD, but they have no money to provide for this project to build a parking structure. Also, residents would like their cars as close as possible due to mobility issues. Pill asked about a berm that the parking would cover. Wolf replied that they would not be changing the overflow in that area so it would still run off the same way, also a reason they looked at the permeable pavers. Pill mentioned that he hoped staff would look at nice screening for that south area because they are removing a pretty good buffer right now and would like that comment to go through to the Village Board.

Thomas: supports the project.

Bartel: asked if HUD is providing funding for this project. Reply: they were able to cover this proposed project in their budget.

Richard: asked how badly they need these parking spaces. Reply: they are definitely needed, they have special events, funeral processions, and emergency vehicles that have to get through and he thinks about that when parking is crammed or with the temporary parking spaces. Richard asked about type of pavers. Reply: yes, they have spaces between to allow rainwater to soak into ground. Richard asked about headlights shining into Tartan Lakes. Reply: most of those spaces facing Tartan Lakes will be staff from 7:30am-5:30pm so hopefully the headlights will not be an issue, as they are not there during most evenings and weekends. Richard asked about the severe drop off and drainage into the lake. Wolf replied that there is some rock stabilization and proposed a berm and an underdrain for an additional biofilter for the runoff from old spaces to add additional water purification. They are looking to run it through perforated drain line and gravel before it goes to swale. Richard asked about nature conservancy signs and the trees being removed. Wolf replied there are three large trees that the landscape consultant said the trees were already showing signs of stress and additional stress of putting in the parking spaces would probably affect them. They did look into the possibility of root pruning, etc. and if being removed did replace per the Village requirements. There were more spaces proposed which they pulled back on due to the area and trees they would affect. Richard asked about the signage. Reply: landscape architect worked with the nature conservancy on those signs, but he does not know the exact details. Richard said he would echo Pill comments about building a parking structure. Reply: agrees with

a parking structure but they don't have that type of funding to do a project of that magnitude. Richard: showed a map of planned spaces and discussed the parking on the hill and sharp right nose in parking and feels it would create a traffic hazard. Reply: he stated that these spaces will be used by staff and the infrequency of use by the residents of their vehicles does not make it a lot of traffic. Wolf mentioned that there would be some grading in that area as well, though he did say the spaces Richard mentioned were the steepest in their proposal.

Carmichael asked for clarification to north area, that is not part of the 128 spaces? Reply: that is correct.

## **MOTION A**

Motion to recommend to the Village Board of Trustees to approve to a Site and Landscaping Plan approval to allow for construction of additional parking in the R-6 Special Residence District.

Motion by: Van Buren

Second by: Carmichael

## **VOTING A**

Van Buren--Yes

Bartel--Yes

Thomas--Yes

Carmichael--Yes

Pill--Yes

Richard--No

Motion passed.

## **PZ 16-025 Birch Point Villa Condominium Assoc., Inc. regarding the properties located at 525 and 527 Cumnor Road, Westmont, IL 60559 for the following:**

(A) Preliminary Plat of Subdivision request to bisect an existing lot in the R-4 General Residence District to facilitate a dedication of right-of-way.

**PRESENTATION:** Noriel Noriega presented the joint project and was accompanied by Evangelina Marin, representing the condominium association. The association approached the Village for financial assistance for improving a private drive, which the Village does not do. The association and Village worked out an agreement that if the association agreed the drive would be dedicated to the Village, then the Village would maintain the drive in the future. Eighty-three percent of the owners agreed to dedicate the lands. They would dedicate from curb to curb of the private drive, Morning Glory Circle dead ends into the private drive.

**STAFF COMMENT:** Attorney mentioned how it was odd that the development was ever approved with the private drive that operates as a cut through from two public streets, and most likely could only be corrected by a dedication to solve the problem.

**PUBLIC COMMENT:** None.

## **COMMISSIONER COMMENT:**

Bartel: the road needs a lot of work, supportive of the project.

Thomas: did not understand at first why the Village would want to approve this. Reply: it is used by many drivers that are not residents and they had requested other options such as closing it off or adding a berm and were denied.

Pill: asked about the parking spots on the south side of the lot. Reply: the parking spots will remain as part of the association, only the drive would be dedicated. Pill: asked about the no parking signs. Reply: the south lot is used for the tenants only, they do have difficulty with non-residents using that parking lot. Pill: asked about splitting the road from the parking. Reply: Noriega mentioned if the agreement goes through would be to have a curb from Morning Glory to Cumnor.

Van Buren: supports.

Carmichael: asked if this will now be an open street. Reply: or lack of a better way to put it, that is true and would now be the Village's problem. Noriega said the private drive would be named Morning Glory Circle.

Richard: mentioned the attorney stated that there is an ingress/egress easement to allow access when it was developed to allow people on Morning Glory. Reply: Her understanding was also for the emergency vehicles. Richard asked about the cost for improving the road. Reply: Noriega stated it would be reconstructing roadway at a cost of \$100,000. Richard mentioned that he would never want to assume this responsibility. Van Buren: mentioned that they are looking for the Village to correct what they originally approved when this developed was started. Richard: asked about the curbing and parking on south end. Noriega: stated that there will be a depressed curb separating lot from drive itself. He mentioned that the roadway will be dedicated and become Morning Glory Circle and the parking would need to possibly address the signage in the lot. Richard: asked about sidewalks. Noriega: stated there would be no dedicated public sidewalk. Richard: asked if there has been any discussion on whether the HOA would be contributing any funds towards the road improvement. Reply: final negotiations have not been done. Noriega stated that his understanding was if the roadway was dedicated, the Village would assume the upkeep.

## **MOTION A**

Motion to recommend to the Village Board of Trustees to approve to a Preliminary Plat of Subdivision request to bisect an existing lot in the R-4 General Residence District to facilitate a dedication of right-of-way.

Motion by: Bartel

Second by: Thomas

## **VOTING A**

Van Buren--Yes

Bartel--Yes

Thomas--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

Richard asked the commissioners if anyone was interested in suggesting that the Village seek funds from the association towards the roadway improvements as part of this negotiation. Attorney stated that the commission could state an additional suggestion for the Village since it was part of their venue to discuss this project.

#### **Additional Motion**

Motion to ask Village to consider shared financing of the road with the association.

Motion by: Van Buren

Second by: Bartel

#### **VOTING Additional Motion**

Van Buren--No

Bartel--Yes

Thomas--No

Carmichael--Yes

Pill--No

Richard--Yes

Motion tied.

#### **PZ 16-026 Catalyst Exhibits, Inc. regarding the property located at 4 East Ogden Avenue, Westmont, IL 60559 for the following:**

- (A) Special Use permit request to operate an accessory drive-in facility for an existing bank in the B-2 PD General Business District.
- (B) Special Use permit request to operate an on-premise ATM in the B-2 PD General Business District.
- (C) Zoning Code Variance request to allow an ATM structure within the front yard setback.
- (D) Zoning Code Variance request to increase the number of allowable signs.
- (E) Site and Landscaping Plan approval.

**PRESENTATION:** Ken Kahle stated that he has been hired by TCF Bank to add a remote ATM in the parking lot of the Jewel. This is an enhancement to the bank that is located inside. TCF is a tenant of the location and has just renewed their lease for another ten years. They have provided pictures of other locations and day and night time photos. They will be full service ATMs meaning they can handle withdrawals and deposits and TCF is finding more people doing their banking through the ATMs. They will have two cameras and five alarm systems, all transactions are recorded and overhead on approach. TCF monitors on their own and has an additional central alarm system. The ATM would be serviced by an armored car; there would not be any cash delivered by bank employees. TCF has added landscaping with low line foliage and they are requesting a variance on the screening as they don't want to be screened off for both safety reasons and because they want to be visible. They would be locating in the "quiet" area of the parking lot that is underutilized. In the ATM there will be LED lighting which will be adequate and also pointed straight down. Kaleigh discussed the variances they are requesting. The variance on screening is requested to be more visible and safe. They are requesting a variance on the setback to 8 feet, again to be visible to the customers. They are requesting a variance for their signage to include a tower sign, but it is negotiable if it does not get a positive recommendation.

**STAFF COMMENT:** Hennerfeind stated that there are several requests before the commission. He mentioned that the current code did not foresee items like this. The first item he mentioned was the drive-thru, which usually is intended to be attached to a building and required to be screened so it is not

visible. He mentioned that is not the nature of this pavilion. Hennerfeind also mentioned that the police chief reviewed to the safety of the ATM. Second is the request for the ATM; anytime that an ATM is placed on a property it has to have a special use permit. The variance for front yard setback is 30 feet on Ogden Avenue, though there have been many variances to this setback by businesses along Ogden as it has developed. There have been a lot of parking variances, but not necessarily structure variances. Last there is a signage request. Jewel Osco has multiples of signs, grossly exceeding what the plan would allow, but it is a long building and so does not exceed the signs per square footage and was approved under a Planned Development. The ATM has discussed a pole sign at 16 feet and Jewel already has two large signs that are 20-25 feet tall that also advertise TCF so the pole sign was rejected. The applicant has provided an alternative. Hennerfeind stated that he is open for questions as these items are not necessarily outlined the comprehensive plan. Ziegler mentioned that they will be inspecting the Jewel landscaping plan as part of this process to make sure they are meeting their site plan, as there are some missing trees and shrubbery. She also stated she thinks the pole sign would be setting a bad precedent for the Ogden corridor, which staff is attempting to approve. Hennerfeind mentioned that the alternative to the pole sign would be to cut it off at the canopy and remove the sign. There is permissible signage on the machine. The illuminated poster sign area was noted by staff as being not permitted.

**PUBLIC COMMENT:** None.

**COMMISSIONER COMMENT:**

Carmichael: seems like a good use of the area.

Van Buren: no problem with request, drove by one in Darien and cannot remember if it has signs or landscaping or not. Pill mentioned that the other location has a sign does not have landscaping.

Pill: would like to see enhanced landscaping but asked if there was irrigation. If not, what would prevent the landscaping from dying since it is such a small stretch of land. Reply: Kaleigh mentioned he has not researched the hardiest lowline plants but he can look into that and does agree that this Jewel location is not up to par in terms of landscaping. Pill: would like to see the hardiest plants and have Jewel bring the landscaping back up to par.

Thomas: agrees about the screening not being safe and that it needs to be visible from Ogden, supports the project.

Bartel: says no to the pole sign, agrees with landscaping. She asked for clarification on the lease as she wouldn't want to build the structure and leave the ATM empty. She asked what is the snow removal plan if this area is being used. Reply: snow is going to be removed to an area near the Audi dealer.

Richard: asked about the landscaping strip which is only about 5 feet, would like to see landscapers leave it flatter so the rain would retain better. He mentioned that the low line landscaping will keep improved visibility to keep the area safe.

Attorney: asked staff about the justification for the setback variance in terms of saving prime parking and the existing pharmacy drive. Reply: Hennerfeind stated that yes Jewel wanted to maintain as many spaces close to the store as possible and there is an existing drive through.



### **FINDING OF FACTS A**

- (1) YES=6 NO=0
- (2) YES=6 NO=0
- (3) YES=6 NO=0
- (4) YES=6 NO=0
- (5) YES=6 NO=0
- (6) YES=6 NO=0
- (7) YES=6 NO=0

### **MOTION A**

Motion to recommend to the Village Board of Trustees to approve to a Special Use permit request to operate an accessory drive-in facility for an existing bank in the B-2 PD General Business District.

Motion by: Van Buren

Second by: Thomas

### **VOTING A**

Van Buren--Yes

Bartel--Yes

Thomas--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

### **FINDING OF FACTS B**

- (1) YES=6 NO=0
- (2) YES=6 NO=0
- (3) YES=6 NO=0
- (4) YES=6 NO=0
- (5) YES=6 NO=0
- (6) YES=6 NO=0
- (7) YES=6 NO=0
- (8) YES=6 NO=0

### **MOTION B**

Motion to recommend to the Village Board of Trustees to approve to a Special Use permit request to operate an on-premise ATM in the B-2 PD General Business District.

Motion by: Pill

Second by: Bartel

## **VOTING B**

Van Buren--Yes  
Bartel--Yes  
Thomas--Yes  
Carmichael--Yes  
Pill--Yes  
Richard--Yes  
Motion passed.

## **FINDING OF FACTS C**

- (1) YES=6 NO=0
- (2) YES=6 NO=0
- (3) YES=6 NO=0

## **MOTION C**

Motion to recommend to the Village Board of Trustees to approve to a Zoning Code Variance request to allow an ATM structure within the front yard setback.

Motion by: Bartel  
Second by: Carmichael

## **VOTING C**

Van Buren--Yes  
Bartel--Yes  
Thomas--Yes  
Carmichael--Yes  
Pill--Yes  
Richard--Yes  
Motion passed.

## **FINDING OF FACTS D**

- (1) YES=0 NO=6
- (2) YES=0 NO=6
- (3) YES=0 NO=6

## **MOTION D**

Motion to recommend to the Village Board of Trustees to approve to a Zoning Code Variance request to increase the number of allowable signs.

Motion by: Pill  
Second by: Thomas

## **VOTING D**

Van Buren--No  
Bartel--No  
Thomas--No  
Carmichael--No  
Pill--No  
Richard--No  
Motion did not pass.

## **MOTION E**

Motion to recommend to the Village Board of Trustees to approve to a Site and Landscaping Plan approval.

Motion by: Pill  
Second by: Thomas

## **VOTING E**

Van Buren--Yes  
Bartel--Yes  
Thomas--Yes  
Carmichael--Yes  
Pill--Yes  
Richard--Yes  
Motion passed.

Hennerfeind mentioned that staff would like to start reviewing the signage ordinances and clean up some of the language in the code. Ziegler mentioned that the Strategic Plan Committee is working on a corridor plan sub-committee to take a look at some of the issues regarding landscaping, screening, signage for the corridor areas. Hennerfeind mentioned that some of the commissioners attended the American Planning Association training at the downtown Chicago planning conference. Pill commented that he attended and it was very educational. It gave him an opportunity to have conversations with other surrounding areas. Carmichael stated that the speakers were great, and there were members from Downers Grove and other local areas.

Richard wished the marines a Happy Birthday. Hennerfeind wished everyone a Happy Thanksgiving. Carmichael mentioned the Veterans Day event.

## **(8) Motion to adjourn.**

Motion by: Bartel  
Second by: Thomas

**Meeting adjourned 9:00 p.m.**